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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/602,964 | 06/24/2003 | Tommy L. Jamison | 1322-000158 | 1212 |
| 27572 | 7590 | 11/27/2006 | EXAMINER | |
| HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303 | | | PRETLOW, DEMETRIUS R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |
| DATE MAILED: 11/27/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/602,964 | Applicant(s) JAMISON ET AL. | |
| | Examiner Demetrius R. Pretlow | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19 and 20 do not produce a useful, concrete result. For example, a result is not stored, displayed or conveyed to the user. In claim 19, merely calculating and in claim 20 employing and determining would not appear to be sufficient to constitute a tangible result, since the outcome of the calculating step of claim 19 and the employing and determining step of claim 20 has not been used in a practical application nor made available in such a manner that its usefulness is a disclosed practical application can be realized. See <http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>.

Claims 21 and 22 are objected for depending on rejected base claim.

Allowable Subject Matter

Claims 1-10 and 13-17 are allowed.

The primary reason for the allowance of claims 1-10 is the inclusion of the method steps of identifying each critical device (CD) that is employed to affect a position of an associated critical component (CC); identifying a plurality of possible positions (PPco)

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for each critical device (CD); identifying a plurality of possible combinations (PC), each possible combination (PC) including one of the possible positions (PPcn) for each of the critical devices (CD); and evaluating each of the possible combinations (PC) to identify which of said possible combinations (PCA) adversely effect the output of the machine tool. And adjusting the corresponding critical devices as necessary so that no critical device is positioned in a strategic position that would adversely affect the output of the machine tool. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 13-16 is the inclusion of the method steps of directly aligning the one of the container and the stem directly to the axis of the other one of the container and the stem by adjusting one of the container and the stem such that the axis of the one of the container and the stem is coincident to the axis of the other one of the container and the stem; wherein a laser transmitter is employed to establish the axis of the stem. It is this step found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 17 is the inclusion of the method step of directly aligning the one of the container and the stem directly to the axis of the other one of the container and the stem by adjusting one of the container and the stem

such that the axis of the one of the container and the stem is coincident to the axis of the other one of the container and the stem; wherein a plurality of jack screws are employed to selectively position the container and wherein the step of adjusting the container includes determining an amount and direction in which each of the jack screws is to be rotated.. It is this step found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Response to Arguments

Applicant's arguments filed September 16, 2006 have been fully considered but they are not persuasive. In claim 19. merely calculating and in claim 20 employing and determining would not appear to be sufficient to constitute a tangible result, since the outcome of the calculating step of claim 19 and the employing and determining step of claim 20 has not been used in a practical application nor made available in such a manner that it's usefulness is a disclosed practical application can be realized..

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow
Patent Examiner

Demetrius Pretlow 11/22/06

John Barlow
John Barlow
Supervisory Patent Examiner
Technology Center 2800